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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,703	05/15/2006	Volker Magderburg	3601	1584
278	7590	05/20/2009		
MICHAEL J. STRIKER 103 EAST NECK ROAD HUNTINGTON, NY 11743			EXAMINER ROHRHOFF, DANIEL J	
			ART UNIT	PAPER NUMBER
			3637	
			MAIL DATE	DELIVERY MODE
			05/20/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,703	<b>Applicant(s)</b> MAGDERBURG, VOLKER	
	<b>Examiner</b> DANIEL ROHRHOFF	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 3 and 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tab must be shown to be pivotable and element 8 must be shown to behave as a hinge or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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3. Claim 14 is objected to because of the following informalities: "slid-on sleeve" should read --slide-on sleeve--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. The examiner is unsure if the tab 9 is pivotable, If element 8 qualifies as a "hinge" and if supporting rod sections 2 & 7 are separate rod sections or if they are part of a single rod. For examination purposes the tab will be treated as pivotable, element 8 will be treated as a hinge, and the supporting rod sections will be considered to be part of a single rod.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-16 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly

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and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The claim(s) are incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: where are the sleeve, groove and central body located with respect to the supporting rod or the tab? How are the hinge and tab connected? How is the cylindrical section with a slide-on sleeve of claim 14 related to the joint?

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Because of this the claims will be examined as best understood by the examiner.

10. Claims 3-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 3 recites the limitation "the hinge" in line 4. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 4 recites the limitation "the hinge" in line 4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 5 recites the limitation "the sleeve" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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14. Claim 5 recites the limitation "the central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 6 recites the limitation "the sleeve" in line 4. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 6 recites the limitation "central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 7 recites the limitation "the outer jacket" in line 4. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 7 recites the limitation "the central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 7 recites the limitation "the inserted sleeve" in line 4. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 7 recites the limitation "supporting rod sections" in line 5. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 8 recites the limitation "the sleeve" in line 4. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 8 recites the limitation "the axis" in line 4. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 8 is directed to a supporting structure as stated in the preamble. The claim specifies a door or shutter which is not part of a supporting structure. Examiner is unsure if applicant is claiming the combination of the supporting structure and a door or shutter or the subcombination the supporting structure as stated in the preamble. For

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examination purposes the combination will not be given any patentable consideration.

Appropriate correction is required.

24. Claim 9 recites the limitation "the central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

25. Claim 10 recites the limitation "the central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

26. Regarding claim 10, the phrase "plug-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

27. Claim 11 recites the limitation "the supporting rod sections" in line 4. There is insufficient antecedent basis for this limitation in the claim.

28. Claim 11 recites the limitation "the hinge" in line 4. There is insufficient antecedent basis for this limitation in the claim.

29. Claim 12 recites the limitation "the joint" in line 4. There is insufficient antecedent basis for this limitation in the claim.

30. Claim 13 recites the limitation "the central body" in line 4. There is insufficient antecedent basis for this limitation in the claim.

31. Claim 13 recites the limitation "the sleeve" in line 4. There is insufficient antecedent basis for this limitation in the claim.

32. Claim 13 recites the limitation "the hinge" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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33. Claim 14 recites the limitation "the joint" in line 4. There is insufficient antecedent basis for this limitation in the claim.

34. Claim 15 recites the limitation "the joint" in line 4. There is insufficient antecedent basis for this limitation in the claim.

35. Claim 16 recites the limitation "the dowel rod" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

36. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

37. Claims 1-2 & 4-88 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharp (US patent 4,099,347).

38. Regarding claim 1, Sharp discloses supporting structure with a supporting rod (7) positioned between two joints (see annotated Fig. 1 below), wherein the supporting rod includes at least one pivotable tab (3) positioned parallel to the longitudinal axis of the supporting rod (Fig. 1).

39. Regarding claim 2, Sharp discloses supporting structure wherein a hinge (5) with the tab (3) connects two supporting rod sections (see annotated Fig. 1 below) of the supporting rod.



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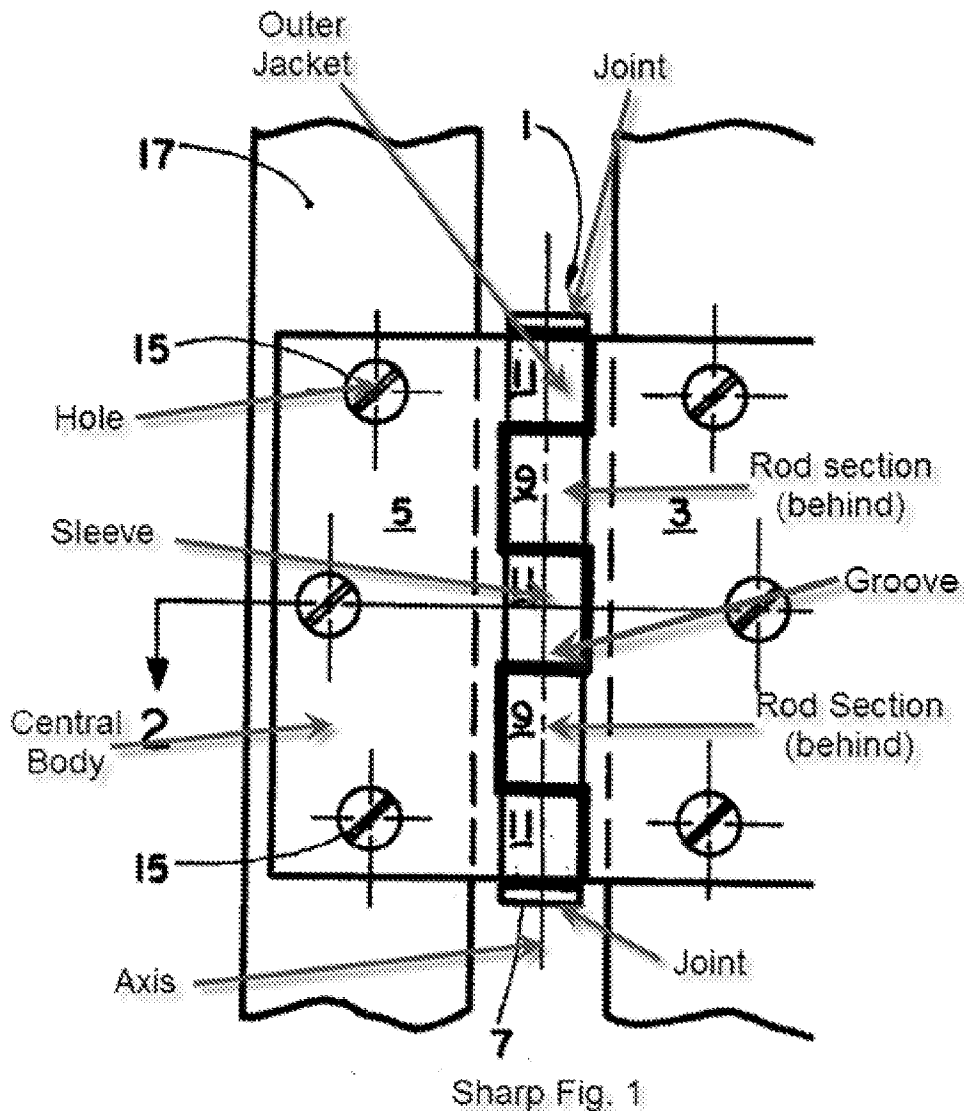
40. Regarding claim 4, Sharp discloses supporting structure wherein the hinge (5) has a central body (see annotated Fig. 1 below) on which a pivotable sleeve (see annotated Fig. 1 below) is mounted, to which the tab (3) is connected (Fig. 1).

41. Regarding claim 5, Sharp discloses supporting structure wherein the sleeve (see annotated Fig. 1 below) is inserted axially flush into a groove (see annotated Fig. 1 below) in the central body (see annotated Fig. 1 below) (Fig. 1 shows the sleeve and groove are flush with each other).

42. Regarding claim 6, Sharp discloses supporting structure wherein the sleeve (see annotated Fig. 1 below) is inserted radially flush into a groove (see annotated Fig. 1 below) in the central body (see annotated Fig. 1) (Fig. 1 shows the sleeve and groove are flush with each other).

43. Regarding claim 7, Sharp discloses supporting structure wherein the geometry of the outer jacket (see annotated Fig. 1 below) of the central body (see annotated Fig. 1 below) with the inserted sleeve (see annotated Fig. 1 below) corresponds to that of the supporting rod or the supporting rod sections (see annotated Fig. 1) (Fig. 1 shows the outer jacket wrapping around the rod sections).

44. Regarding claim 8, Sharp discloses supporting structure wherein the tab (3) is displaced on the sleeve (see annotated Fig. 1) relative to the axis (see annotated Fig. 1 below) by a distance corresponding to the thickness of a door or shutter (17) (Fig. 2 shows the spatial relationship of the tab relative to the sleeve).



***Allowable Subject Matter***

45. Claims 3 & 9-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

46. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zackey (US patent 4,281,883), Brauning (US patent 4,056,196), Nicoletti (US patent application publication 2005/0002729), Chien (US patent 6,168,249), Trafton (US patent 4,194,338), Pritelli Jr. (US patent 3,353,888), Celli (US patent 4,577,449), Langer (US patent 6,000,874), Goppion (US patent 6,042,202), Mazzucconi (US patent 3,936,111), Holscher (US patent application publication 2006/0110215), Barton (US patent 4,090,798), Saleh (US patent 1,179,661), Amore (US patent 5,970,679), Rixen (US patent 5,192,145), Newlin (US patent 6,205,739) and Watson (US patent 3,252,179) all disclose support structures with supporting tabs similar to those in applicants disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL ROHRHOFF whose telephone number is (571)270-7624. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R./  
Examiner, Art Unit 3637  
5/13/09

/Lanna Mai/  
Supervisory Patent Examiner, Art Unit 3637